

EXHIBIT 34

Nikolas Manak, Vol 1

June 20, 2017

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION,

CASE NO. 5:16-CV-00523-JCS

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF NIKOLAS MANAK

San Francisco, California

Tuesday, June 20, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2248

Pages 1 - 144

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<p style="text-align: right;">Page 134</p> <p>1 MS. PAYNE: This is Exhibit 36, which is</p> <p>2 a USPS confirmation.</p> <p>3 (Exhibit 36 marked for identification.)</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MS. PAYNE:</p> <p>6 Q Do you recognize this document?</p> <p>7 A Yes.</p> <p>8 Q What does this document show?</p> <p>9 A I'm pretty sure this is the receipt for</p> <p>10 sending in my defective hard drive for replacement.</p> <p>11 MS. PAYNE: This is Exhibit 37, which is</p> <p>12 an e-mail from Seagate customer service.</p> <p>13 (Exhibit 37 marked for identification.)</p> <p>14 THE WITNESS: Okay.</p> <p>15 BY MS. PAYNE:</p> <p>16 Q Do you recognize this document?</p> <p>17 A Yes.</p> <p>18 Q So what does this document show?</p> <p>19 A This shows that my replacement hard drive</p> <p>20 from Seagate was delayed due to low inventory, and</p> <p>21 they will ship when one is available.</p> <p>22 Q But Seagate did provide you with a</p> <p>23 replacement hard drive?</p> <p>24 A Yes.</p> <p>25 Q Was the replacement hard drive the same</p>	<p style="text-align: right;">Page 136</p> <p>1 A Yes, I did.</p> <p>2 Q Did you rely on any of those statements?</p> <p>3 A Yes. Both RAID and NAS were my intended</p> <p>4 usage so I relied on both of those statements.</p> <p>5 Q Did you rely on statements about AFR?</p> <p>6 A Yes, I did. I knew I would be using RAID</p> <p>7 zero, so there was always the possibility of data</p> <p>8 loss. So I relied on their very, very low AFR,</p> <p>9 which would mean it was very unlikely I would suffer</p> <p>10 any data loss.</p> <p>11 Q Are you aware that the second</p> <p>12 consolidated amended complaint states that you read</p> <p>13 the data sheet but it does not specifically state</p> <p>14 that you relied on statements about AFR, RAID or</p> <p>15 NAS?</p> <p>16 A No, I'm not aware of that.</p> <p>17 Q We're finished with documents.</p> <p>18 What relief are you seeking in this</p> <p>19 lawsuit?</p> <p>20 A I am going to defer to the lawyers on</p> <p>21 what would be appropriate relief.</p> <p>22 Q Is there a different amount that you</p> <p>23 would have paid for the Seagate 3 terabyte internal</p> <p>24 Barracudas knowing how long the drive lasted?</p> <p>25 MR. SIEGEL: Objection as to form. Calls</p>
<p style="text-align: right;">Page 135</p> <p>1 type of hard drive that you had returned to Seagate?</p> <p>2 A Yes. It was the same model number.</p> <p>3 Q Was it a 3 terabyte Barracuda?</p> <p>4 A Yes.</p> <p>5 Q You testified earlier that when the hard</p> <p>6 drive failed you lost movies. What other types of</p> <p>7 information did you lose?</p> <p>8 A Digitally archived copies of my music</p> <p>9 collection and a few photos. I can't remember</p> <p>10 exactly of what, but some of my photo collection was</p> <p>11 on there, and I hadn't recently synchronized it with</p> <p>12 what was on my personal computer.</p> <p>13 Q Did you read any statements by Seagate</p> <p>14 about AFR prior to purchasing the Seagate internal 3</p> <p>15 terabyte hard drive?</p> <p>16 A Yes, it was on their data sheet.</p> <p>17 Q Did you read any statements by Seagate</p> <p>18 about the use of 3 terabyte Barracuda hard drives in</p> <p>19 RAID before purchasing the hard drives?</p> <p>20 A Yes.</p> <p>21 Q Where did you read those statements?</p> <p>22 A On the data sheet.</p> <p>23 Q Did you read any statements by Seagate</p> <p>24 about the use of 3 terabyte Barracuda hard drives in</p> <p>25 NAS before purchasing the hard drives?</p>	<p style="text-align: right;">Page 137</p> <p>1 for speculation.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: I honestly would not have</p> <p>4 bought them.</p> <p>5 BY MS. PAYNE:</p> <p>6 Q And I apologize, we did discuss this a</p> <p>7 little bit earlier, but I think it would take me</p> <p>8 longer to find where this is in the record than it</p> <p>9 will be for me to ask you again.</p> <p>10 Did you contact Hagens Berman or did they</p> <p>11 contact you?</p> <p>12 A I contacted them first and then they</p> <p>13 contacted me back.</p> <p>14 Q And why did you contact them?</p> <p>15 A I've read about the class action lawsuit,</p> <p>16 I believe, it was on a news story online, and there</p> <p>17 was a link to their website, so I contacted them.</p> <p>18 Q Why did you decide to join in this</p> <p>19 action?</p> <p>20 A Well, because it was brought up by one of</p> <p>21 the attorneys and I thought since it looks like my</p> <p>22 particular experience with those drives, as a</p> <p>23 representative of the class, that I would probably</p> <p>24 make a good representative.</p> <p>25 Q How many times have you spoken with your</p>

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<p style="text-align: right;">Page 142</p> <p>1 MS. PAYNE: No further questions.</p> <p>2 THE VIDEOGRAPHER: This marks the end to</p> <p>3 DVD No. 2 of 2 in the videotaped deposition of</p> <p>4 Nikolas Manak and concludes today's testimony in the</p> <p>5 matter of the Seagate Technology consolidated action</p> <p>6 litigation.</p> <p>7 The time is 3:33 p.m. and we're off the</p> <p>8 record.</p> <p>9</p> <p>10 (TIME NOTED: 3:33 p.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 144</p> <p>1 I, the undersigned, a Certified Shorthand</p> <p>2 Reporter of the State of California, do hereby</p> <p>3 certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth;</p> <p>6 that any witnesses in the foregoing proceedings,</p> <p>7 prior to testifying, were duly sworn; that a record</p> <p>8 of the proceedings was made by me using machine</p> <p>9 shorthand, which was thereafter transcribed under my</p> <p>10 direction; further, that the foregoing is a true</p> <p>11 record of the testimony given.</p> <p>12 I further certify I am neither financially</p> <p>13 interested in the action nor a relative or employee</p> <p>14 of any attorney or party to this action.</p> <p>15 IN WITNESS WHEREOF, I have this date</p> <p>16 subscribed my name.</p> <p>17</p> <p>18 Dated: _____</p> <p>19</p> <p>20</p> <p>21 <u>Ashley Soevyn</u></p> <p>22 ASHLEY SOEVYN</p> <p>23 CSR No. 12019</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 143</p> <p>1 I, ASHLEY SOEVYN, do hereby declare under</p> <p>2 penalty of perjury that I have read the foregoing</p> <p>3 transcript; that I have made any corrections as</p> <p>4 appear noted, in ink, initialed by me, or attached</p> <p>5 hereto; that my testimony as contained herein, as</p> <p>6 corrected, is true and correct.</p> <p>7 EXECUTED this _____ day</p> <p>8 of _____,</p> <p>9 20____, at _____, _____.</p> <p style="text-align: center;">(City) (State)</p> <p>10</p> <p>11</p> <p>12</p> <p>13 _____</p> <p>14 ASHLEY SOEVYN</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	